Google Inc. et al v. Egger et al Doc. 333 Att. 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL RIGHTS, TINA M. FOSTER, GITANJALI S. GUTIERREZ, SEEMA AHMAD, MARIA LAHOOD, RACHEL MEEROPOL,	Case No. 06-cv-313
Plaintiffs,	Judge Gerard E. Lynch
v.	Magistrate Judge Kevin N. Fox
GEORGE W. BUSH, President of the United States; NATIONAL SECURITY AGENCY, LTG Keith B. Alexander, Director; DEFENSE INTELLIGENCE AGENCY, LTG Michael D. Maples, Director; CENTRAL INTELLIGENCE AGENCY, Porter J. Goss, Director; DEPARTMENT OF HOMELAND SECURITY, Michael Chertoff, Secretary; FEDERAL BUREAU OF INVESTIGATION, Robert S. Mueller III, Director; JOHN D. NEGROPONTE, Director of National Intelligence,	
Defendants.	

NOTICE OF MOTION

PLEASE TAKE NOTICE that on the ____ day of March, 2006, at ___ a.m. or as soon thereafter as counsel may be heard, attorneys for Plaintiffs The Center for Constitutional Rights, Tina M. Foster, Gitanjali S. Gutierrez, Seema Ahmad, Maria LaHood, and Rachel Meeropol, shall move, before the Honorable Judge Gerard E. Lynch, U.S.D.J., United States Courthouse, Room ___, 500 Pearl Street, New York, New York, 10007, for the

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entry of an Order in the form submitted herewith, granting to Plaintiffs partial summary judgment and other relief in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon the this Notice of Motion, Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, the Statement of Material Facts Not in Dispute, and the Affirmation of William Goodman together with its Exhibits, submitted herewith. (Counsel for Plaintiffs have conferred with counsel for Defendants, Tony Coppelino, who consents to the submission of an overlong Memorandum of Law on condition that Plaintiffs consent to a similar extension to 45 pages for Defendants' response brief.)

PLEASE TAKE FURTHER NOTICE that counsel for Plaintiffs hereby request oral argument.

s/Shayana Kadidal

William Goodman [WG-1241]
Shayana Kadidal [SK-1278]
Michael Ratner [MR-3357]
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March 9, 2006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL RIGHTS, TINA M. FOSTER, GITANJALI S. GUTIERREZ, SEEMA AHMAD, MARIA LAHOOD, RACHEL MEEROPOL, Plaintiffs, v. GEORGE W. BUSH, President of the United States; NATIONAL SECURITY AGENCY, LTG Keith B. Alexander, Director; DEFENSE INTELLIGENCE AGENCY, LTG Michael D. Maples, Director; CENTRAL INTELLIGENCE AGENCY, Porter J. Goss, Director; DEPARTMENT OF HOMELAND SECURITY, Michael Chertoff, Secretary; FEDERAL BUREAU OF INVESTIGATION, Robert S. Mueller III, Director; JOHN D. NEGROPONTE, Director of National Intelligence, Defendants.	Judge Gerard E. Lynch **06 Civ 00313 (GEL) (KNF)**

ORDER

This court hereby **DECLARES** that Defendant's program of warrantless surveillance is unlawful.

Furthermore, it is hereby:

ORDERED that Defendants cease conducting their program of warrantless surveillance; and it is further

ORDERED that Defendants disclose to Plaintiffs all unlawful surveillance of Plaintiffs' communications carried out pursuant to the warrantless surveillance program; and it is further

ORDERED that all Defendants turn over to Plaintiffs all information and records in their possession relating to Plaintiffs that were acquired through the warrantless surveillance program or were the fruit of surveillance under the program, and subsequently destroy any such information and records in Defendants' possession; and it is further

ORDERED that plaintiffs be awarded costs, including an award of attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

____

Hon. Gerard E. Lynch
United States District Judge

Dated: